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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/922,065

08/01/2001

Wing Jong Mar

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07/27/2005

AGILENT TECHNOLOGIES, INC.
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EXAMINER

WANG, TED M

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,065

Applicant(s)

MAR ET AL.

Examiner

Ted M. Wang

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11, 13, 14, 16, 17, 19, 20 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 20, 22 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-11, 13, 14, 16, 17, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 04/07/2005, with respect to the rejection(s) of claim(s) 1, 3, 5, 6, 18, 20, 21, and 27 under 35 USC § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chen et al. (US 6,246,717).
2. The indicated allowability of claims 23-26 is withdrawn due to insufficient antecedent basis, 35 USC § 112, second paragraph.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 23-26 recite the limitation "the added phase noise $\mathcal{L}_{SA}(f_m)$ " in line 12, since the term "added phase noise $\mathcal{L}_{SA}(f_m)$ " has not been introduced in the previous paragraph. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2634

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,246,717).

- With regard claim 1, Chen et al. discloses a method of compensating for phase noise added by a spectrum analyzer to measurements of phase noise of a signal under test (SUT) taken by the spectrum analyzer (Fig.4 and 6), the method comprising the step of:

applying a correction to a measured phase noise $\mathcal{L}(f_m)$ value (Fig.4 element 66) for the SUT to determine an actual phase noise $\mathcal{L}_A(f_m)$ value for the SUT (Fig.4 element 66 output and column 12 line 5 – column 14 line 61), wherein the correction comprises mathematically removing an added phase noise $\mathcal{L}_{SA}(f_m)$ value contributed by the spectrum analyzer from the measured phase noise $\mathcal{L}(f_m)$ value of the SUT (Fig.4 elements 60, 62, 64, and 66, column 7 lines 41-56, and column 14 lines 27-61).
- With regard claim 5, Chen et al. further discloses the step of displaying the corrected actual phase noise $\mathcal{L}_A(f_m)$ data (Fig.4 element 26).
- With regard claim 27, which is a system claim related to claim 1, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.

- With regard claim 28, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.

Allowable Subject Matter

7. Claims 19, 20, 22, and 31-34 allowed.
8. Claims 2-4, 6-11, 13, 14, 16, 17, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Reference(s) US 6,114,838 and US 6,393,372 are cited because they are put pertinent to the phase noise measurement. However, none of references teach detailed connection as recited in claim.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

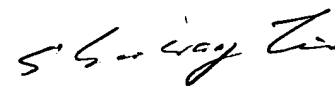
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang



SHUWANG LIU
PRIMARY EXAMINER